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NOTICE OF ALLOWANCE AND FEE(S) DUE

22429

7590

12/02/2009

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER

NGO, TANYA T

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 12/02/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,163	09/26/2006	Toshihiko Hirooka	4752-010	6593

TITLE OF INVENTION: OTDM TRANSMISSION METHOD AND APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/02/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22429 7590 12/02/2009
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1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/02/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGO, TANYA T	2613	398-098000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Toshihiko Hirooka

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 575 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 575 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/562,163

Examiner

TANYA NGO

Applicant(s)

HIROOKA ET AL.

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/21/2009.
2. ☒ The allowed claim(s) is/are 1 and 3-6 (renumbered 1-5).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Kenneth N Vanderpuye/
Supervisory Patent Examiner, Art Unit 2613

DETAILED ACTION

Allowable Subject Matter

1. Claims 1 and 3-6 (renumbered 1-5) are allowed.
2. The following is an examiner's statement of reasons for allowance:

Re claim 1, prior art fails to teach an OTDM transmission method for implementing distortion-free transmission in the presence of linear time distortion in the optical fiber transmission line, the method comprising the steps of :

using a transform-limited pulse having an exact spectral width with respect to the time-domain waveform as an optical time-division multiplexed (OTDM) signal pulse train;

converting the OTDM signal pulse train to a spectrum sequence of wavelength division multiplexed (WDM) signal by means of an optical Fourier transform circuit for converting an optical pulse waveform in the time domain to a frequency spectral profile of the pulse wherein the converted optical pulse train is incident on an optical fiber transmission line; and

converting the WDM signal spectral sequence, after transmission in the optical fiber transmission line, to an OTDM signal pulse train by means of an optical inverse Fourier transform circuit for receiving an optical pulse train incident on the optical fiber transmission line and transmitted in the optical fiber transmission line and converting the frequency spectral profile to the optical pulse waveform of the pulse in the time domain, to regenerate the time-domain waveform of the OTDM signal pulse train before transmission;

wherein the optical Fourier transform circuit comprises a phase modulator driven by a repetition frequency of $1/N$ of the transmission rate of the OTDM signal pulse train (N is an integer) and a dispersion element for giving group-velocity dispersion; and
a train of N -channel OTDM signal pulses is converted to a sequence of N -channel WDM signal spectrums.

Azana (Real-Time Fourier Transformations performed simultaneously over Multiwavelength signals", IEEE Photonics Technology Letters, Vol. 13, No. 1, Jan 2001) discloses converting the OTDM signal pulse train to a spectrum sequence of wavelength division multiplexed (WDM) signal by means of an optical Fourier transform circuit for converting an optical pulse waveform in the time domain to the frequency spectral profile of the pulse wherein the converted optical pulse train is incident on an optical fiber transmission line because sending a real time Fourier transformation of a pulse, such as those sent in optical time division multiplexing, because the incident signal upon the superimposed linearly chirped fiber grating does not essentially affect the energy spectrum of the signal (*The implementation of having multiple TDM signal pulse trains, paragraph I, lines 4-9, multiplexed into a WDM signal is preferable because it allows for on to access the huge bandwidth available in an optical fiber, paragraph II, lines 1-3. Azana continues state that the signals are real time Fourier transformed and sent in a linearly chirped filter, paragraph II, lines 6-10, the results of sending a Fourier Transformed pulsed through a linearly chirped fiber do not affect the energy distribution of the spectrum, Fig. 4e, paragraph 6, lines 31-35.*).

However, **Azana** does not expressly each

using a transform-limited pulse having an exact spectral width with respect to the time-domain waveform as an optical time-division multiplexed (OTDM) signal pulse train;

converting the WDM signal spectral sequence, after transmission in the optical fiber transmission line, to an OTDM signal pulse train by means of an optical inverse Fourier transform circuit for receiving an optical pulse train incident on the optical fiber transmission line and transmitted in the optical fiber transmission line and converting the frequency spectral profile to the optical pulse waveform of the pulse in the time domain, to regenerate the time-domain waveform of the OTDM signal pulse train before transmission;

wherein the optical Fourier transform circuit comprises a phase modulator driven by a repetition frequency of $1/N$ of the transmission rate of the OTDM signal pulse train (N is an integer) and a dispersion element for giving group-velocity dispersion; and

a train of N -channel OTDM signal pulses is converted to a sequence of N -channel WDM signal spectrums.

Caponi (*US Patent 5,852,700*) discloses Caponi discloses using a transform-limited pulse having an exact spectral width with respect to the time-domain waveform as an optical time-division multiplexed (OTDM) signal pulse train (*that a transform limited pulse has a shape and band characteristics that allow it to propagate with as little distortion as possible, Col. 1 lines 39-44*).

Caponi does not disclose converting the OTDM signal pulse train to a spectrum sequence of wavelength division multiplexed (WDM) signal by means of an optical Fourier transform circuit for converting an optical pulse waveform in the time domain to a frequency

spectral profile of the pulse wherein the converted optical pulse train is incident on an optical fiber transmission line; and

converting the WDM signal spectral sequence, after transmission in the optical fiber transmission line, to an OTDM signal pulse train by means of an optical inverse Fourier transform circuit for receiving an optical pulse train incident on the optical fiber transmission line and transmitted in the optical fiber transmission line and converting the frequency spectral profile to the optical pulse waveform of the pulse in the time domain, to regenerate the time-domain waveform of the OTDM signal pulse train before transmission;

wherein the optical Fourier transform circuit comprises a phase modulator driven by a repetition frequency of $1/N$ of the transmission rate of the OTDM signal pulse train (N is an integer) and a dispersion element for giving group-velocity dispersion; and

a train of N -channel OTDM signal pulses is converted to a sequence of N -channel WDM signal spectrums.

3. The following patents and patent applications are cited to show the state of the art with respect to OTDM (optical time division multiplexing):

(US-4700399 or US-6775478 or US-6204944 or US-6023360 or US-20060232847 or US-20070025728 or US-20070273958 or US-20060051039).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany

the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANYA NGO whose telephone number is (571) 270-7488. The examiner can normally be reached on M - F from 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ngo/
November 24, 2009

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/Kenneth N Vanderpuye/
Supervisory Patent Examiner, Art Unit 2613